

REMARKS

Claims 1-2, 4-8, 10-13, 21-29, 32, and 33 are pending in the application.

Claims 1, 2, 7, 8, 13, and 21-27 and 33 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 5,905,278 to Nakabayashi ("Nakabayashi") in view of U.S. Patent No. 6,617,634 to Marsh, *et al.* ("Marsh"). Claims 4, 10, 28, 29, and 32 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Nakabayashi in view of Marsh and further in view of U.S. Patent No. 5,838,035 to Ramesh ("Ramesh"). Claims 6 and 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Nakabayashi in view of Marsh and further in view of U.S. Patent No. 6,313,539 to Yokoyama, *et al.* ("Yokoyama"). Applicants respectfully traverse these rejections.

In view of failure of the Office Action to provide a *prima facie* case of obviousness as discussed below, Applicants respectfully request that the finality of the Office Action be withdrawn and the claims be allowed to issue or a new Office Action be issued.

Regarding claims 1, 8, and 28, the Office Action asserts that "Nakabayashi fails to teach that the second conductive liner has a thickness from about 20 to about 50 angstroms," for which the Office Action asserts Marsh discloses. In particular, the Office Action asserts that "Marsh discloses an integrated circuit device including an [*sic*] conductive layer (24) comprising iridium oxide (column 5, lines 30-40) having a thickness of about 50 angstroms (column 5, line 25)." (Office Action, pages 3 (claim 1), 4 (claim 8), and 8 (claim 28).) Marsh, however, does not disclose this limitation. Rather, Marsh discloses that "the thickness of the $RuSi_xO_y$ -containing adhesion layer 23 is in the range of about 50 Å to about 500 Å," not the "conductive layer (24)." (Column 5, lines 25-27.) Thus, the Office Action fails to present a *prima facie* case of

obviousness, and accordingly, Applicants respectfully request that the rejection of claims 1 and 8 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Nakabayashi in view of Marsh and the rejection of claim 28 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Nakabayashi in view of Marsh and further in view of Ramesh be withdrawn.

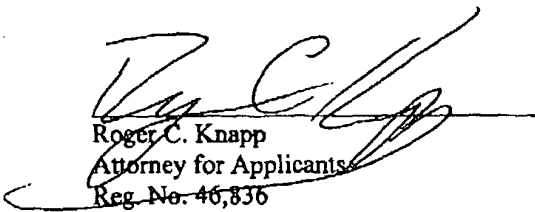
Claims 2, 4-7, 10-13, 21-27, and 29 depend from and further limit independent claims 1, 8, and 28 in a patentable sense. Accordingly, Applicants respectfully request that the rejections of claims 2, 4-7, 10-13, 21-27, and 29 under 35 U.S.C. § 103(a) be withdrawn as well.

Regarding claim 33, the Office Action fails to show, and Applicants cannot find, where in Nakabayashi it is disclosed that "a *platinum* liner formed over the conductive barrier layer; an *iridium oxide* liner formed on the platinum liner; and a *platinum* layer formed on the iridium oxide liner" as recited in claim 33. (Emphasis added.) Rather, the Office Action asserts that Nakabayashi discloses "a first conductive liner (*Ir*) disposed over and electrically coupled to the conductive barrier layer, a second conductive liner (*IrO2*) disposed over the first conductive liner." (Office Action, page 6. Emphasis added.) Without commenting on whether or not Nakabayashi discloses these limitations, there is no relation between the assertions contained in the Office Action and the limitations recited in claim 33. Thus, the Office Action fails to present a *prima facie* case of obviousness, and accordingly, Applicants respectfully request that the rejection of claim 33 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Nakabayashi in view of Marsh be withdrawn.

In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner contact Applicants' attorney at the address below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

11-10-03
Date


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